



## **Debt Collection FAQs: Know Your Consumer Rights**

### **Can a debt collector contact me any time or place?**

No. A debt collector may not contact you at inconvenient times or places, such as before 8 a.m. or after 9 p.m., unless you agree to it. And collectors may not contact you at work if they are told (orally or in writing) that you are not allowed to get calls there.

### **How can I stop a debt collector from contacting me?**

If a collector contacts you about a debt, you may want to talk to them at least once to see if you can resolve the matter—even if you don't think you owe the debt, can't repay it immediately, or think the collector is contacting you by mistake. If after contacting the debt collector you decide that you don't want the collector to contact you again, tell the collector—in writing—to stop contacting you. Make a copy of your letter, send the original by certified mail, and pay for a "return receipt" so you'll be able to document what the collector received.

After receiving your letter, the collector may not contact you again, with two exceptions: a collector can contact you to tell you there will be no further contact or to let you know that the collector or creditor intends to take a specific action, like filing a lawsuit. Sending such a letter to a debt collector you owe money to should stop the contact, but it does not erase the debt. The creditor or the debt collector can still sue you to collect the debt.

### **Can a debt collector contact anyone else about my debt?**

If an attorney is representing you about the debt, the debt collector must contact the attorney, rather than you. If you don't have an attorney, a collector may contact other people, but only to find out your address, your home phone number, and where you work. Collectors usually are prohibited from contacting third parties more than once. Other than to obtain this location information about you, a debt collector generally is not permitted to discuss your debt with anyone other than you, your spouse, or your attorney.

### **What does the debt collector have to tell me about the debt?**

Every collector must send you a written "validation notice" telling you how much money you owe within five days after they first contact you. This notice also must include the name of the creditor to whom you owe the money, and how to proceed if you don't think you owe the money.

### **Can a debt collector keep contacting me if I don't think I owe any money?**

If you send a debt collector a letter stating that you don't owe any or all of the money, or asking for verification of the debt, that collector must stop contacting you. You must send your letter within 30 days after you receive the validation notice. However, a collector can begin contacting you again after sending you written verification of the debt, such as a copy of a bill.

## **What practices are off limits for debt collectors?**

**Harassment.** Debt collectors may not harass, oppress, or abuse you or any third parties they contact. For example, they may not:

- use threats of violence or harm;
- publish a list of names of people who refuse to pay their debts (but they can give this information to credit reporting companies);
- use obscene or profane language; or
- repeatedly use the phone to annoy someone.

**False statements.** Debt collectors may not lie when they are trying to collect a debt. For example, they may not:

- falsely claim that they are attorneys or government representatives;
- falsely claim that you have committed a crime;
- falsely represent that they operate or work for a credit reporting company;
- misrepresent the amount you owe;
- indicate that papers they send to you are legal forms if they aren't; or
- indicate that papers they send to you aren't legal forms if they are.

**Debt collectors also are prohibited from saying that:**

- you will be arrested if you don't pay your debt;
- they'll seize, garnish, attach, or sell your property or wages unless they are permitted by law to take the action and intend to do so; or
- legal action will be taken against you, if doing so would be illegal or if they don't intend to take the action.

**Debt collectors may not:**

- give false credit information about you to anyone, including a credit reporting company;
- send you anything that looks like an official document from a court or government agency if it isn't; or
- use a false company name.

**Unfair practices.** Debt collectors may not engage in unfair practices when they try to collect a debt. For example, they may not:

- deposit a post-dated check early;
- take or threaten to take your property unless it can be done legally; or
- contact you by postcard.

## **How can I file a complaint or find out more about debt collection?**

To file a complaint or obtain more information about your rights concerning debt collection practices and other consumer issues, please call the Attorney General's office at 1-800-386-5438 (TTY: 1-800-964-3013) or visit [www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov).